

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

<b>EUGENE SPENCER</b>	§	<b>PLAINTIFF</b>
	§	
<b>v.</b>	§	<b>CAUSE NO. 1:04CV752-LG-RHW</b>
	§	
<b>JO ANN BARNHART, Commissioner of Social Security Administration</b>	§	<b>DEFENDANT</b>
	§	

**ORDER ADOPTING PROPOSED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW DENYING PLAINTIFF'S MOTION  
FOR REVERSAL OR REMAND**

This cause comes before the Court on the [14] Proposed Findings of Fact and Recommendation of United States Magistrate Judge Robert H. Walker entered in this cause on August 22, 2007. Judge Walker recommended denying Plaintiff Eugene Spencer's [10] Motion for a Reversal, or in the Alternative, for Remand Pursuant to Sentence Four of 42 U.S.C. Sect. 405(g). Spencer did not file an objection. After thoroughly reviewing the findings in the Proposed Findings of Fact and Recommendation, the Court finds that the Report and Recommendation should be adopted as the finding of the Court for the reasons that follow.

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having made the required review of the Report and Recommendation, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are neither clearly erroneous

nor contrary to law. Therefore, the Court, being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the Report and Recommendation [14] of United States Magistrate Judge Robert H. Walker entered in this cause on August 22, 2007, should be, and the same hereby is, adopted as the finding of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that Plaintiff's [10] Motion for a Reversal, or in the Alternative, for Remand Pursuant to Sentence Four of 42 U.S.C. Sect. 405(g) is **DENIED**.

**SO ORDERED AND ADJUDGED** this the 19<sup>th</sup> day of February, 2008.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE